

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DEMOCRATIC NATIONAL COMMITTEE,)
)
Plaintiff,) Civil Action No. 1:18-cv-03501-JGK
)
v.)
)
THE RUSSIAN FEDERATION et al.,)
)
Defendants.)
)
)

DECLARATION OF JULIA A. HORWITZ

I, Julia Horwitz, declare as follows:

1. I am an attorney at Cohen Milstein Sellers & Toll, PLLC. I am counsel for Plaintiff in the above-referenced matter. I submit this declaration in connection with Plaintiff's Motion to Serve Defendant WikiLeaks by Twitter and Mail ("WikiLeaks Motion"). I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
2. Regarding Defendant WikiLeaks, on April 25, 2018, per the instructions provided on WikiLeaks' website, Plaintiff's counsel attempted to send an email to wl-legal@sunshinepress.org, asking for the postal address and contact details where legal documents could be sent. Later that day, counsel received a notification that the outgoing email had been rejected six times over the course of an hour. On April 29, 2018, Plaintiff's counsel received another notification that the email had been rejected 30 times over the course of 92 hours. On July 10, 2018, Plaintiff's counsel made another attempt to send an email to that same address. An hour later, counsel received another notification that the email had not been delivered, despite

six attempts to deliver over a period of one hour. On July 14, 2018, Plaintiff's counsel received another notification that the email had been rejected 30 times over the course of 92 hours.

3. Plaintiff's counsel also made diligent attempts to contact counsel who represented WikiLeaks in other matters. Plaintiff's counsel searched PACER for any case in which WikiLeaks was represented by counsel, and found only one case: a suit in the U.S. District Court for the District of Maryland. In that case, WikiLeaks, one of the plaintiffs, was represented by two attorneys from Zuckerman Spaeder LLP. On July 19, 2018, Plaintiff's counsel emailed those attorneys to ask if they were authorized to accept service on WikiLeaks's behalf, or if they knew of any other person who might be able to accept service. One of the two attorneys replied within 10 minutes, stating: "We are not authorized and have had no contact with this entity for several years. I do not have any idea about who may be authorized to accept service for Wikileaks."

4. A Westlaw search unearthed another case where an attorney briefly represented WikiLeaks, *see Bank Julius Baer & Co. v. WikiLeaks*, No. C 08-00824 JSW, 2008 WL 413737, at *1 (N.D. Cal. Feb. 13, 2008), but that attorney later submitted a letter to the United States District Court for the Northern District of California explaining that she had not been WikiLeaks' attorney since January 24, 2008, and she "could not and would not" accept service on WikiLeaks' behalf.¹ Additionally, Plaintiff's counsel searched news reports and Wikipedia, and identified three individuals who may have represented WikiLeaks. Of these, one is deceased, one lives in Spain and does not have contact information that Plaintiff's counsel can locate, and the third lives in London and appears to represent Defendant Julian Assange ("Assange"), but is not clearly linked by reliable sources to WikiLeaks.

¹ Letter from Julie S. Turner at 2, *Bank Julius Baer & Co. v. WikiLeaks* (No. C 08-00824 JSW), 2008 WL 413737, ECF No. 26.

5. Attached hereto as Exhibit A is a true and correct copy of WikiLeaks' Tweet from December 1, 2010 at 11:50 a.m. Eastern Time.
6. Attached hereto as Exhibit B is a true and correct copy of WikiLeaks' Tweet from April 20, 2018 at 3:13 p.m. Eastern Time.
7. Attached hereto as Exhibit C are true and correct copies of WikiLeaks' Tweets from April 21, 2018 at 5:10 p.m. and April 22, 2018 at 9:16 a.m. Eastern Time.
8. Attached hereto as Exhibit D is a true and correct copy of another WikiLeaks' Tweet from April 21, 2018 at 5:10 a.m. Eastern Time.
9. Attached hereto as Exhibit E is a true and correct copy of WikiLeaks' Tweet from April 20, 2018 at 7:48 p.m. Eastern Time.
10. Attached hereto as Exhibit F is a true and correct copy of WikiLeaks' Tweet from April 20, 2018 at 3:49 p.m. Eastern Time.
11. Attached hereto as Exhibit G is a true and correct copy of the email delivery failure notification from April 25, 2018 at 3:03 p.m. Eastern Time.
12. Attached hereto as Exhibit H is a true and correct copy of the email delivery failure notification from April 29, 2018 at 10:13 a.m. Eastern Time.
13. Attached hereto as Exhibit I is a true and correct copy of the email delivery failure notification from July 10, 2018 at 11:57 a.m. Eastern Time.
14. Attached hereto as Exhibit J is a true and correct copy of the email delivery failure notification from July 14, 2018 at 7:08 a.m. Eastern Time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of July 2018 in Washington, D.C.

A handwritten signature in blue ink that reads "Julia Horwitz". The signature is fluid and cursive, with "Julia" on the top line and "Horwitz" on the bottom line.

Julia Horwitz

Exhibit A



Follow



WikiLeaks servers at Amazon ousted. Free speech the land of the free--fine our \$ are now spent to employ people in Europe.

11:50 AM - 1 Dec 2010

1,507 Retweets 116 Likes



1

1.5K

116



History RTweets En @HistoryRTweetsE · 6 Nov 2015



Replying to @wikileaks

WikiLeaks servers at Amazon ousted. Free speech the land of the free--fine our \$ are now spent to employ people in Europe. /via: @wikileaks

1

1

1



Exhibit B

[Follow](#)

The Democrats are suing [@WikiLeaks](#) and [@JulianAssange](#) for revealing how the DNC rigged the Democratic primaries. Help us counter-sue. We've never lost a publishing case and discovery is going to be amazing fun:

iamwikileaks.org/donate/

More options:

shop.wikileaks.org/donate

Donate

The WikiLeaks official legal and public defence fund is raised and run by the Courage Foundation, which also organises and maintains a dedicated campaign team to defend the WikiLeaks staff, advocate across global media and build support for WikiLeaks in its legal battles around the world.

This fund is for WikiLeaks' legal defence. If you wish to donate to support Courage's other work in protecting truthtellers and the public's right to know worldwide, please follow [this link](#).

Donate:

You can donate using various methods. Please select the one you'd like to use below:

 [PayPal, MasterCard, Visa, Amex, Discover](#)

 [Bank transfer](#)

Exhibit C

⌚ WikiLeaks Retweeted

WikiLeaks  @wikileaks · Apr 21

Democrats have gone all Scientology against @WikiLeaks. We read the DNC lawsuit. Its primary claim against @WikiLeaks is that we published their "trade secrets". Scientology infamously tried this trick when we published their secret bibles. Didn't work out well for them.

173. WikiLeaks and Assange also committed the acts described above with the intent to convert Plaintiff's trade secrets, which are related to a product or service used in or intended for use in interstate or foreign commerce, to the economic benefit of others besides Plaintiff. Each unauthorized release constitutes a separate act of theft of trade secrets.

💬 375

⌚ 5.1K

❤ 9.1K

⌚ WikiLeaks Retweeted

WikiLeaks  @wikileaks · Apr 22

DNC head Tom Perez refuses to say whether lawsuit against @WikiLeaks was really Hillary Clinton's idea and how much it is going to cost Democrats

Meet the Press  @MeetThePress

FULL INTERVIEW: DNC Chair @TomPerez joins #MTP to discuss the DNC's lawsuit against the Trump campaign and Wikileaks.

nbcnews.to/2K8equm

💬 311

⌚ 2.6K

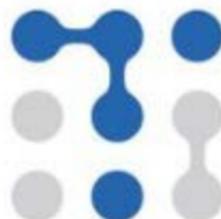
❤ 4.2K

Exhibit D



Follow

Techdirt: Analysis of Democratic National Committee (DNC) lawsuit against @WikiLeaks et al



Democratic National Committee's Lawsuit Against Russian...

This morning I saw a lot of excitement and happiness from folks who greatly dislike President Trump over the fact that the Democratic...

techdirt.com

5:10 AM - 21 Apr 2018

413 Retweets 512 Likes



39

413

512



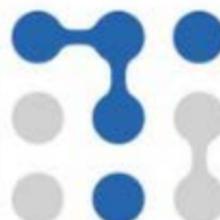
Exhibit E



@wikileaks

Follow

Analysis of Democratic National Committee lawsuit against @WikiLeaks for publishing their emails #RICO #CFAA #DMCA



Democratic National Committee's Lawsuit Against Russian...

This morning I saw a lot of excitement and happiness from folks who greatly dislike President Trump over the fact that the Democratic...

techdirt.com

7:48 PM - 20 Apr 2018

721 Retweets 943 Likes



55

721

943



Exhibit F



WikiLeaks

@wikileaks · Apr 20

Help @WikiLeaks ensure that the Democratic National Committee's bogus anti-free speech lawsuit backfires: [twitter.com/wikileaks/stat...](https://twitter.com/wikileaks/status/984411111111111111)

youtube.com/watch?time_continue=...

Contributing to WikiLeaks costs just \$100 a month. Please consider giving.
Help WikiLeaks fight back. If you want to contribute to support WikiLeaks' other work in protecting whistleblowers and the public's right to privacy, please follow [@wikileaks](#).

Donate

You can contribute using various methods. Please select the one you prefer in our sidebar.

Support WikiLeaks and WikiLeaks

Support WikiLeaks

Support

Support

WikiLeaks  @wikileaks

The Democrats are suing @WikiLeaks and @JulianAssange for revealing how the DNC rigged the Democratic primaries. Help us counter-sue. We've never lost a publishing case and discovery is going to be amazing...



73



1.5K



2.3K

Exhibit G

From: Domain postMaster address
To: [Julia Horwitz](#)
Subject: [Postmaster] Email Delivery Warning
Date: Wednesday, April 25, 2018 3:03:20 PM

This message is a warning that an email you are trying to send has not yet been delivered. You do not have to do anything yet as the email is still queued for delivery.

An email you addressed to email address :
-- wl-legal@sunshinepress.org

has not yet been delivered. The problem appears to be :
-- Internal mail relay processing error

Additional information follows :
-- Temporary error looking up MX record

This condition occurred after 6 attempt(s) to deliver over a period of 1 hour(s).

You will receive a rejection notice after a maximum of 2 days if the email cannot be delivered. If you sent the email to multiple recipients you will receive one of these messages for each one which is still undelivered, otherwise they have been sent.

Exhibit H

From: Domain postMaster address
To: [Julia Horwitz](#)
Subject: [Postmaster] Email Delivery Failure
Date: Sunday, April 29, 2018 10:13:02 AM

This is a delivery failure notification message indicating that an email you addressed to email address :
-- wl-legal@sunshinepress.org

could not be delivered. The problem appears to be :
-- Internal mail relay processing error

Additional information follows :
-- Temporary error looking up MX record

This condition occurred after 30 attempt(s) to deliver over a period of 92 hour(s).

If you sent the email to multiple recipients, you will receive one of these messages for each one which failed delivery, otherwise they have been sent.

Exhibit I

From: Domain postMaster address
To: [Julia Horwitz](#)
Subject: [Postmaster] Email Delivery Warning
Date: Tuesday, July 10, 2018 11:57:02 AM

This message is a warning that an email you are trying to send has not yet been delivered. You do not have to do anything yet as the email is still queued for delivery.

An email you addressed to email address :
-- wl-legal@sunshinepress.org

has not yet been delivered. The problem appears to be :
-- Internal mail relay processing error

Additional information follows :
-- Temporary error looking up MX record

This condition occurred after 6 attempt(s) to deliver over a period of 1 hour(s).

You will receive a rejection notice after a maximum of 2 days if the email cannot be delivered. If you sent the email to multiple recipients you will receive one of these messages for each one which is still undelivered, otherwise they have been sent.

Exhibit J

From: Domain postMaster address
To: [Julia Horwitz](#)
Subject: [Postmaster] Email Delivery Failure
Date: Saturday, July 14, 2018 7:08:10 AM

This is a delivery failure notification message indicating that an email you addressed to email address :
-- wl-legal@sunshinepress.org

could not be delivered. The problem appears to be :
-- Internal mail relay processing error

Additional information follows :
-- Temporary error looking up MX record

This condition occurred after 30 attempt(s) to deliver over a period of 92 hour(s).

If you sent the email to multiple recipients, you will receive one of these messages for each one which failed delivery, otherwise they have been sent.